

TITLE: Madera Settlement- Avenue 9, 12 and 13 Grade Separations **DATE:** 9/29/2017

PROJECT: Construction Package No. 1 **CONTRACT NO:** HSR 13-06

CONTRACTOR: Attn: Ghassan Ariqat
 Tutor Perini/Zachry/Parsons, a Joint Venture
 1401 Fulton Street
 Suite 400
 Fresno, CA 93721

DESCRIPTION OF CHANGE:

In accordance with Directive Letters 00002 and 00007, implement the following changes:

1. Design and construct the grade separation at Avenue 9 as a four-lane facility. The grade separation at Avenue 9 shall provide a minimum access easement of 20' in width along both sides of the HST corridor.
2. Design and construct the grade separation at Avenue 12 as a four-lane facility. The grade separation at Avenue 12 shall span the HST corridor and the nearby BNSF corridor. The existing connection from Avenue 12 to Road 32 shall be reconfigured to provide access to adjacent properties.
3. Do not construct the grade separation at Avenue 13. The connection between Avenue 13 and Road 30 ½ shall remain as is.

Construction services shall include all Work necessary to construct the grade separations and all associated civil works along Avenues 9 and 12.

ASSUMPTIONS AND EXCLUSIONS:

This change assumes a round trip cycle time of 1 hour at Avenue 9 (no location specified) and 2.23 hours at Avenue 12 to import soil from the Airport/Fancher location. An adjustment in compensation will be provided for Avenue 9 based on actual cycle times. An adjustment in compensation will be made for Avenue 12 if a location other than the Airport/Fancher location is used. Any adjustment for repairs to existing streets due to concentrated hauls will be deferred to a separate Change Order.

This price is based on the following design plans:

- Ave 9 Grade Separation RFC plans dated 05/15/15.
- Ave 12 Grade Separation RFC plans dated 05/08/15.
- Ave 12 PGL Changes Vertical Curve at BNSF Bridge received on 01/05/16.
- Ave 12 BNSF Overhead Concept Design Drawings dated 01/29/16.
- Escrow Proposal Document (EPD) Red-line Drawings

An adjustment in compensation will be made for changes to these plans.

PAYMENT ADJUSTMENT AT AGREED LUMP SUM :

For this work, the Contractor shall receive and accept the agreed lump sum price of \$18,629,963.00. This sum constitutes full and complete compensation for providing all design and construction services, labor, material, equipment, tools and incidentals, including all markups by reason of this change.

This change includes standard mark-ups according to Section 23.1 of the General Provisions. Adjustments for overhead and profit will be addressed in a separate Change Order.


Payment Adjustment at Agreed Lump Sum = \$18,629,963.00

TIME ADJUSTMENT:

Any delay due to this change order, if any and if determined to be a controlling operation, shall be evaluated under a separate change order in accordance with Section 23.4, "Equitable Adjustments – Limitation on Delay and Disruption Damages," of the *General Provisions*.

PCO	Payment Item	Description	Quantity	Unit	Unit Price	Net Amount	Time Adj. Days
00002	00001	Madera Settlement- Avenue 9, 12, and 13 Grade Separation	1.0	LS	\$18,629,963.00	\$18,629,963.00	0
Total:					\$ 18,629,963.00	0	

1 of 2

Contractor	California High-Speed Rail Authority		
Acceptance by	Submitted by	Recommended by	Approved by
			

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Release of Claims

Except as modified by this Change Order, all terms and conditions of the Contract, as previously modified, remain unchanged and in full force and effect. The parties agree that this Change Order is a final and equitable adjustment of the Contract time and Contract amount and constitutes a mutual accord and satisfaction of all claims, current or future, of whatever nature caused by or arising out of the facts and circumstances surrounding this Change Order including, but not limited to, direct, indirect and consequential costs; additional time for performance; and the impact of the modifications specified in this Change Order, alone or taken with other changes, on the unchanged Work.

Contractor's Sworn Certification

By executing this Change Order for the Contractor below, the undersigned for the Contractor certifies as true, under penalty of perjury (under the laws of California, executed in Fresno, California), as follows:

This Change Order is made in good faith and in accordance with the terms of the Contract.

The amount of time and/or compensation requested accurately reflects the appropriate adjustments and includes all known and anticipated impacts or amounts that may be incurred as a result of the event or matter giving rise to such proposed change.


The Contractor has no reason to believe and does not believe that the factual basis for this Change Order is falsely represented.

The Contractor has investigated the basis for each Subcontractor claim and has determined that each such claim is justified as to entitlement and amount of money and/or time requested and has no reason to believe and does not believe that the factual basis for the Subcontractor's claim is falsely represented.

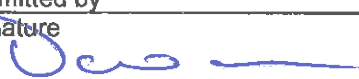
Subcontractor's Sworn Certification(s):

Attached as _____ [indicate "none" if no such Subcontractors are involved] are sworn certifications from each Subcontractor involved in the Work or event contemplated by this Change Order in the form above.

Tutor Perini/Zachry/Parsons, a Joint Venture

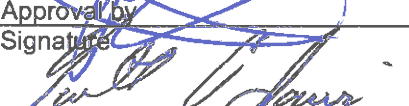
Acceptance by Signature 	Ghassan Ariqat – Project Manager/Director	Date 10/2/17
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California High-Speed Rail Authority

Submitted by Signature 	David Vallejos - D-B Oversight Manager	Date 10/3/17
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Recommended by Signature 	Steven Milton - Design & Construction Manager	Date 10/3/17
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Approval by Signature 	Terry Ogle – Director of Design & Construction	Date 10/3/17
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Approval by Signature 	Scott Jarvis – Chief Engineer	Date 10-11-17
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Contractor	California High-Speed Rail Authority		
Acceptance by 	Submitted by	Recommended by 	Approved by 